

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 28, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALLAH©, *SP/c, 5% Nation of Islam*,
Petitioner,

v.

CHERYL STRANGE, *d/b/a Secretary of*
DOC, and DONALD R. HOLBROOK,
d/b/a Supervisor of WSP,
Respondents.

No. 4:21-CV-05124-SAB

**ORDER TO PROCEED *IN*
FORMA PAUPERIS AND
ORDER SUMMARILY
DISMISSING PETITION**

On September 9, 2021, Petitioner, a prisoner at the Washington State Penitentiary filed a *pro se* document titled, “‘Emergency’ Petition for a Writ of Habeas Corpus, DOC is Holding Allah© with Bogus Judgments That are Not Signed and No Warrant of Commitments Filed in the Record Violating UCC/RCW 62A.3-401 Signature, RCW 9.35.020(1) Identity Theft, RCW 9A.56.020(1) Theft, Court(s) can show no Conviction,” without a completed application to proceed *in forma pauperis* or payment of the \$5.00 filing fee. ECF No. 1. On September 16, 2021, Petitioner sought leave to proceed *in forma pauperis*. ECF No. 3.

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**ORDER TO PROCEED *IN FORMA PAUPERIS* AND ORDER
SUMMARILY DISMISSING PETITION * 1**

1 Because it appears that Petitioner lacks sufficient funds to prosecute this
2 action, his request to proceed *in forma pauperis* is **GRANTED** and this action may
3 proceed without payment of the filing fee.

4 Petitioner contends that Respondents are holding him with “bogus
5 Judgments” and have “no Warrant of Commitments in their Central File.” ECF No.
6 1 at 1. He also claims they have “stolen” two EIP checks, by which the Court
7 assumes he means Economic Impact Payment, as part of the Coronavirus Aid,
8 Relief, and Economic Securities Act (“CARES Act”). In addition, he claims that
9 for twenty years, they have taken money sent to Allah© in the bogus name of
10 Allah Allah, using “void” King County documents naming Edwin R. Coston.

11 If Petitioner wishes to challenge the conditions under which he is confined,
12 then he will need to file a separate civil rights action. *See Badea v. Cox*, 931 F.2d
13 573, 574 (9th Cir.1991) (civil rights action is proper method of challenging
14 conditions of confinement); *Crawford v. Bell*, 599 F.2d 890, 891 92 & n. 1 (9th
15 Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to
16 conditions of confinement must be brought in civil rights complaint).

17 Petitioner also challenges a Franklin County Judgment and Sentence, Case
18 No. 12-1-50324-8, because it is unsigned and not fingerprinted. Petitioner states
19 that he received a letter from the Franklin County Prosecuting Attorney, Chief
20 Civil Deputy, dated August 18, 2021, stating: “Also we do not have a signed and
21 fingerprinted Judgment and Sentence since you refused that part of the process at
22 the time the plea was entered.” ECF No. 1 at 2, 5. This is the fourteenth habeas
23 action Petitioner has filed in this District since 2010.

24 Petitioner began challenging Franklin County Case No. 12-1-50324-8 in
25 2012. *See Allah v. Long*, No. 2:12-CV-00549-RMP (Jan. 30, 2013) (Challenge to
26 Franklin County Superior Court case number 12-1-50324-8 dismissed without
27 prejudice for failure to exhaust); *Allah v. McGrath*, No. 2:13-CV-00355-JTR (Dec.
28 16, 2013) (Dismissed pursuant to Rule 3(a), Rules Governing Section 2254 Cases

1 in the United States District Courts, and 28 U.S.C. § 1914(a) for failure to pay
2 applicable filing fee or provide a completed *in forma pauperis* application); *Allah*
3 *v. Holbrook*, No. 4:15-CV-05100-SAB (Feb. 24, 2016) (Dismissed without
4 prejudice for failure to present a statement showing an entitlement to relief or that
5 claims had been exhausted); *Allah v. Holbrook*, No. 4:16-CV-05045-SAB (Sept. 1,
6 2016) (Dismissed without prejudice for failing to state any cognizable grounds for
7 federal habeas relief regarding Judgment and Sentence in Franklin County cause
8 number 12-1-50324-8, and rejecting Petitioner's contentions regarding the name(s)
9 under which he is being detained as not warranting federal habeas relief); *Allah v.*
10 *Holbrook*, No. 4:19-CV-05208-SAB (Nov. 21, 2019) (denying with prejudice
11 Petitioner's repeated arguments regarding the name(s) under which he is being
12 detained and his untenable challenges to his federal criminal conviction); *Allah v.*
13 *Haggerty, et al.*, No. 4:19-CV-05279-SAB (Dismissed pursuant to Rule 3(a), Rules
14 Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C.
15 § 1914(a) for failure to pay applicable filing fee or provide a completed *in forma*
16 *pauperis* application); *Allah v. Holbrook*, No. 4:20-CV-5018-SAB (May 11, 2020)
17 (Summarily Dismissing Habeas Action with prejudice, declining to entertain
18 Petitioner's arguments regarding the names(s) under which he is being detained);
19 *Allah v. Holbrook*, No. 4:20-CV-5084-SAB (July 14, 2020) (Summarily
20 Dismissing Habeas Action with prejudice, declining to entertain Petitioner's
21 arguments regarding the names(s) under which he is being detained) (Ninth Circuit
22 denied Certificate of Appealability on February 9, 2021, No. 20-35646).

23 Petitioner's repeated assertions regarding the name(s) under which he is
24 detained do not warrant federal habeas relief, and his contentions regarding his
25 Franklin County conviction in case No. 12-1-50324-8 have been previously
26 rejected by the Court. *See Allah v. Holbrook*, No. 4:16-CV-05045-SAB. The Court
27 declines to entertain Petitioner's arguments further.

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1 Therefore, **IT IS ORDERED** the Petition, ECF No. 1, is **DENIED with**
2 **prejudice.**

3 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
4 enter judgment, and forward a copy to Petitioner. The Clerk of Court shall **close**
5 the file. The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from
6 this decision could not be taken in good faith, and there is no basis upon which to
7 issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

8 **DATED** this 28th day of October 2021.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

14 Stanley A. Bastian
15 Chief United States District Judge
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